

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	Case No. 3:07-cr-205
		Also 3:16-cv-2
Plaintiff,	:	
- vs -	:	District Judge Thomas M. Rose
	:	Magistrate Judge Michael R. Merz
EDWIN ARTHUR AVERY,	:	
Defendant.	:	

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 74), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Court's Order Adopting Report and Recommendations (ECF No. 57) is VACATED and Defendant's Motion to Vacate (ECF No. 48) is DISMISSED WITH PREJUDICE.

October 9, 2019

\*/s/Thomas M. Rose

Thomas M. Rose  
United States District Judge